

**4A-321. Motion to modify final order.**

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v.

No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**MOTION TO MODIFY FINAL ORDER<sup>1</sup>**

[ ] Petitioner (or) [ ] Respondent states:

1. I am asking the court to modify the following order(s): *(check the order(s) that you are seeking to have modified and complete the additional information required)*

Name of Order:	Section/Paragraph/Page # that you believe should be modified	Date of order
_____ Custody Plan and Order	_____	_____
_____ Child Support Obligation and Order	_____	_____
_____ Spousal Support Provision	_____	_____
_____ Other: _____ _____	_____	_____

2. The order(s) should be modified because: *(describe in detail why the order(s) should be modified, including what has changed since the order was entered, and how it should be modified; if you are asking that more than one order be modified, list why and how each should be modified separately below)*

A. \_\_\_\_\_  
*(Name of first order checked in Paragraph 1 above)*

i. What the section/paragraph of the order says:

\_\_\_\_\_

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ii. What has changed so that the order should be modified:

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iii. What a new order should provide that is different from the current order:

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B.

*(Name of next order checked in Paragraph 1 above)*

i. What the section/paragraph of the order says:

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ii. What has changed so that the order should be modified:

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iii. What a new order should provide that is different from the current order:

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*(Use additional pages if necessary. Use the same format as above to tell the court what order you are talking about, what the order says, what has changed so that the order should be modified, and what a new order should provide that is different from the current order.)*

3. I have tried to talk to \_\_\_\_\_ *(name of the other party or the other party's attorney if represented)*. This is what happened: *(You MUST check one of these boxes.)*

- ☐ The other party AGREES with my motion.
- ☐ The other party DOES NOT AGREE with my motion.
- ☐ The other party WILL NOT TALK TO ME about my motion.
- ☐ I CANNOT TALK TO THE OTHER PARTY because there is a protective order between us and the other party does not have a lawyer.
- ☐ I HAVE NOT TALKED TO THE OTHER PARTY because: \_\_\_\_\_

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- \_\_\_\_\_ .
4. ☐ Petitioner (*or*) ☐ Respondent asks the Court to:

\_\_\_\_\_ Modify the order(s) as described in Paragraph 2 above.

\_\_\_\_\_ Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Order such other relief as may be deemed necessary.

5. ☐ **YES**, I understand that I must bring a copy of the order(s) listed in Paragraph 2 to the hearing.<sup>2</sup>

\_\_\_\_\_  
Signature of Petitioner/Respondent pro se

\_\_\_\_\_  
Name (*print*)

\_\_\_\_\_  
Mailing address (*print*)

\_\_\_\_\_  
City, state, and zip code (*print*)

\_\_\_\_\_  
Telephone number

#### USE NOTE

1. You may use this form to ask the court to modify the conditions of a final order, including a custody plan and order, a child support obligation and order, or a spousal support provision in a final decree of dissolution of marriage. If more than 90 days have passed from the issuance of the order that you wish to modify, you may have to pay the filing fee required under Rule 1-099 NMRA. You must serve the other party with the documents you filed with the court. Refer to Rules 1-089 and 1-004 NMRA for more information. Failure to have the other party served with the documents may result in a re-set of your hearing or dismissal of your motion.

2. If you do not have a copy of the order(s) listed in Paragraph 2, you may request one from the clerk's office. Standard copying fees may apply.

[Approved by Supreme Court Order No. 17-8300-017, effective for all pleadings and papers filed on or after December 31, 2017.]